United Nations CRC/C/OPAC/CYP/CO/1

Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the report submitted by Cyprus under article 8, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict*

I. Introduction

1. The Committee considered the report of Cyprus (CRC/C/OPAC/CYP/1) at its 2244th meeting (see CRC/C/SR.2244), held on 26 September 2017, and adopted the present concluding observations at its 2251st meeting, held on 29 September 2017.

2. The Committee welcomes the submission of the report of the State party and the written replies to the list of issues (CRC/C/OPAC/CYP/Q/1/Add.1). The Committee expresses appreciation for the constructive dialogue held with the delegation of the State party.

3. The Committee reminds the State party that the present concluding observations should be read in conjunction with the concluding observations on the third and fourth reports submitted by the State party under the Convention (CRC/C/CYP/CO/3-4), adopted on 24 September 2012.

II. General observations

Positive aspects

4. The Committee welcomes the ratification by the State party of:

(a) The Optional Protocol to the Convention on the Rights of the Child on a communications procedure in September 2017;

(b) The Arms Trade Treaty in May 2016.

5. The Committee also welcomes the State party's decision to join the Safe Schools Declaration in July 2017.

III. Factors and difficulties impeding the implementation of the Protocol

6. **The Committee notes that the persisting division of the island, as a consequence of the events that took place in 1974, continues to have a negative impact on the**

* Adopted by the Committee at its seventy-sixth session (11-29 September 2017).

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degree of fulfilment of its obligations under the Optional Protocol. However, the Committee emphasizes that those circumstances cannot be used to maintain legislation or practices that go against the object and purpose of the Optional Protocol.

IV. General measures of implementation

Declarations/reservations

7. The Committee notes with deep concern the State party's decision to maintain its restrictive provisions of the Optional Protocol lodged as a "declaration" at the time of ratification, providing that compulsory military service in times of peace begins as of 1 January of the year the citizen reaches the age of 18 and at the same time maintaining an understanding that article 1 of the Optional Protocol would not prevent it from deploying members of the armed forces, regardless of age, to hostilities in the situations outlined therein.

8. **The Committee considers that this declaration amounts to a reservation to articles 1 and 2 of the Optional Protocol, and goes against its object and purpose. It urges the State party to withdraw it in the interest of protecting all children from direct involvement in armed conflict and ensuring children are not compulsorily recruited into the armed forces.**

Legislation

9. The Committee notes the recent decision of the Minister of Defence to have, as of 2018, one annual National Guard enlistment session each July, thereby reducing the number of compulsorily recruited 17-year-olds. However, it notes with deep concern that the National Guard law maintains compulsory recruitment of persons who have not reached the age of 18.

10. **The Committee urges the State party to review and amend its National Guard law to allow compulsory recruitment only if the person concerned has reached 18 years of age on the date of recruitment, in order to comply with the object and purpose of the Optional Protocol.**

Training

11. The Committee takes note of the State party's plans for training on the Optional Protocol for police officers, immigration officials, asylum officers, judges and army officers, but notes with concern the lack of any specific training on children's rights and the provisions of the Optional Protocol, including for military and law enforcement personnel, to date.

12. **The Committee recommends that training on the Optional Protocol be systematically included in the training of all relevant professional groups, in particular the armed forces, members of international peacekeeping forces, law enforcement and immigration officers, asylum officers, prosecutors, lawyers, judges, social workers, medical professionals, teachers, media professionals and local and district officials.**

Data

13. The Committee is concerned about:

(a) The fact that data related to children under the age of 18 recruited into the national armed forces are not made public;

(b) The lack of data regarding asylum-seeking, refugee and migrant children in the State party who may have been recruited or used in hostilities abroad.

14. **The Committee recommends that the State party:**

(a) **Systematically collect and publish disaggregated data on the number of children under 18 recruited, both voluntarily and compulsorily, into the national armed forces;**

(b) **Establish a mechanism for the comprehensive collection of data, disaggregated by sex, age, nationality and ethnic origin, on asylum-seeking, refugee, migrant and unaccompanied children entering the State party who may have been recruited or used in hostilities abroad.**

Dissemination

15. While noting the information provided by the State party that the Optional Protocol is posted on the website of the Ministry of Defence, the Committee is concerned that the State party has not widely disseminated the principles and provisions of the Optional Protocol among the members of the armed forces and the general public, including children and their families.

16. **Pursuant to article 6 (2) of the Optional Protocol, the Committee recommends that the State party enhance its efforts to make the principles and provisions of the Optional Protocol widely known to the members of the armed forces and the public at large, in particular children, and recommends the inclusion of the Optional Protocol in school curricula and information packages received by recruits.**

V. Prevention

Compulsory recruitment

17. The Committee is deeply concerned that the State party maintains compulsory recruitment during the year male citizens turn 18, thus allowing the compulsory recruitment of children under 18 years of age. That is even more of a concern given that the State party does not prohibit members of the armed forces who are under 18 from taking direct part in hostilities.

18. **In line with the object and purpose of the Optional Protocol to protect all children under the age of 18 from involvement in armed conflict, and in line with the principle of the best interests of the child, the Committee urges the State party to:**

(a) **End its practice of compulsory recruitment of children who have not yet reached 18 years of age;**

(b) **Take all necessary measures to prevent members of the armed forces who have not yet reached 18 years of age from taking direct part in hostilities in all circumstances.**

Voluntary recruitment

19. The Committee is concerned at the insufficient information provided to 17-year-old volunteers regarding their rights, particularly those under the Optional Protocol, and the insufficient information provided on these matters during school visits by the National Guard.

20. **The Committee recommends that the State party ensure the incorporation of information on the Optional Protocol and the rights contained therein into information provided to 17-year-old volunteers and into information provided during school visits by military units, in order to increase the level of awareness of rights under the Optional Protocol, in particular to ensure all voluntary recruitment is done on a well-informed and genuinely voluntary basis. It further recommends that the State party provide children with information on a variety of options for their future, both military and non-military.**

Military education

21. Noting the recent instructions that information on the provisions of the Optional Protocol will now be incorporated into the training of army officers and junior officers who will be acting as instructors for new members of the armed forces, the Committee remains concerned at the lack of information on the current training of the members of the armed forces, particularly those under 18 years of age, on the Optional Protocol and the rights provided for therein.

22. **The Committee recommends that the State party ensure information on the Optional Protocol is incorporated into the training of all members of the armed forces, with particular attention being paid to those under the age of 18.**

VI. Prohibition and related matters

Criminal legislation and regulations in force

23. The Committee regrets that the legislation does not explicitly criminalize the recruitment and use of children under the age mentioned in the Optional Protocol in hostilities by the armed forces and non-State armed groups, and the fact that the recruitment and use of all children by private security companies has still not been explicitly prohibited and criminalized.

24. **The Committee recommends that the State party prohibit and explicitly criminalize the recruitment and use of children under the age of 18 in hostilities involving the armed forces and non-State armed groups and in private military and security companies.**

Extraterritorial jurisdiction and extradition

25. The Committee notes that extraterritorial jurisdiction is not applicable for offences under the Optional Protocol in all cases and that the State party's legal framework and bilateral extradition agreements do not cover all offences under the Optional Protocol. It is also concerned about the requirement for dual criminalization for both, which is of particular concern given that certain offences are not criminalized in the State party.

26. **The Committee recommends that the State party:**

(a) **Establish extraterritorial jurisdiction over acts prohibited under the Optional Protocol, including the conscription or enlistment of children into the armed forces or armed groups, or their use to participate actively in hostilities, if such crimes are committed by or against a national of the State party or a person who otherwise has a close link with the State party;**

(b) **Take all necessary measures to ensure that extradition treaties include all offences under the Optional Protocol;**

(c) **Eliminate the dual criminality requirement for both extraterritorial jurisdiction and extradition cases for offences under the Optional Protocol.**

VII. Protection, recovery and reintegration

Treatment of children in the armed forces who are under 18 in the criminal justice system

27. The Committee is concerned that members of the armed forces who are suspected of committing and/or have committed crimes before they reach the age of 18 are subject to the Military Criminal Code and Discipline.

28. **The Committee recommends that the State party ensure that members of the armed forces who are under the age of 18 are not subject to the Military Code, regardless of the nature of the offence committed.**

Measures adopted to protect the rights of migrant, asylum-seeking and refugee children

29. The Committee takes note of the assistance that refugee and unaccompanied children are entitled to in the State party, but is concerned at the lack of adequate assistance provided for all children who may have been recruited and/or used in hostilities abroad. The Committee is concerned at the lack of an early detection mechanism of such cases, as well as inadequate training and guidelines for State personnel coming into contact with such children; reported delays at all stages of the registration and asylum process; and inadequate State party support for specialized treatment programmes for the social reintegration and rehabilitation of such children.

30. **Drawing the State party's attention to its obligations under article 7 of the Optional Protocol, the Committee urges it to ensure appropriate and prompt assistance and support to migrant, refugee and asylum-seeking children, who may have been recruited and/or used in hostilities, and ensure their full protection in line with international standards. In that regard the Committee urges the State party to:**

(a) **Establish a mechanism for early detection of all migrant, asylum-seeking and refugee children who are at risk or have been recruited and/or used in hostilities, and take all necessary measures to ensure its effective functioning;**

(b) **Develop guidelines and specialized training for Government personnel working with all migrant, asylum-seeking and refugee children on the identification, rights and appropriate treatment of children who are at risk or have been recruited and/or used in hostilities, and ensure their implementation;**

(c) **Develop specialized services to ensure that children who may have been involved in armed conflict are provided with appropriate assistance for their physical and psychological recovery and their social reintegration;**

(d) **Where necessary, ensure translators are present during all stages of the registration and asylum process, including medical examinations;**

(e) **Ensure prompt decisions and actions at all stages of the registration and asylum process.**

31. **The Committee also recommends that the State party take into account its general comment No. 6 (2005) on the treatment of unaccompanied and separated children outside their country of origin.**

32. The Committee notes that children who are considered victims of trafficking under the State party's law on trafficking in persons (60 (I)/2014) are guaranteed non-refoulement. However, the Committee is concerned that the State party does not explicitly guarantee non-refoulement for all children in migrant situations, including those outside the formal asylum process, on the basis that they may have been, or are at risk of being, recruited for and/or used in hostilities.

33. **The Committee urges the State party to ensure full respect for the fundamental principle of non-refoulement in all circumstances, particularly those involving children who have been or are at risk of being recruited for and/or used in hostilities.**

VIII. International assistance and cooperation

International cooperation

34. **The Committee recommends that the State party continue and strengthen its cooperation with the International Committee of the Red Cross and with the Special Representative of the Secretary-General for Children and Armed Conflict, and that it explore increased cooperation with the United Nations Children's Fund (UNICEF) and other United Nations entities in the implementation of the Optional Protocol.**

IX. Implementation and reporting

A. Follow-up and dissemination

35. **The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented, including by transmitting them to the Ministry of Defence, the Ministry of Justice, the Ministry of the Interior and the Ministry of Health, and to police departments and local authorities, for appropriate consideration and further action.**

36. **The Committee recommends that the report and the written replies to the list of issues submitted by the State party and the present concluding observations be made widely available, including through the Internet, to the public at large, civil society organizations, schools, shelters, youth groups, professional groups and children, in order to generate debate on and awareness of the Optional Protocol and its implementation and monitoring.**

B. Next periodic report

37. **In accordance with article 8 (2) of the Optional Protocol, the Committee requests the State party to include further information on the implementation of the Optional Protocol and the present concluding observations in its next periodic report, to be submitted in accordance with article 44 of the Convention.**